

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

PHILIP MORRIS USA INC.,

Plaintiff,

v.

AMERICAN ACCESSORIES
INTERNATIONAL, L.L.C.,

Defendant.

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Civil Action No. 3:15-cv-577

**AMERICAN ACCESSORIES INTERNATIONAL, L.L.C.'S
MOTION FOR SANCTIONS FOR SPOILIATION**

For the reasons set forth in the accompanying memorandum, Defendant American Accessories International, L.L.C. (“AAI”) respectfully moves the Court to impose under Federal Rule of Civil Procedure 37(e) appropriate sanctions on PM for failure to preserve ESI, including instructing the jury that it must presume that the destroyed information was unfavorable to PM, or, at a minimum, barring PM from introducing any testimony or argument that Ms. Iseman was not responsible for determining what safety testing to perform on the Flashlight, and any other relief the Court finds appropriate.

Dated: June 28, 2016

Respectfully submitted

/s/ J. Andrew Keyes

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CERTIFICATE OF SERVICE

I hereby certify that on the twenty-eighth day of June, 2016, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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